

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.06 Z, Closed Area No. 22-F, Ovens Mouth and Sherman Creek, Edgecomb - Boothbay, promulgated on March 9, 1994, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.06 Z, Closed Area No. 22-F, Ovens Mouth and Sherman Creek, Cross River, Edgecomb - Boothbay.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Cross River within the following three areas: [1] Ovens Mouth between the following two lines: (a) a line drawn across the eastern end of the Oven Mouth; and (b) a line beginning at the most southeastern point of land at the mouth of Parsons Creek, Edgecomb, and running southwesterly to the most southwestern point on Gooseberry Island, Boothbay, and then running true east to a red painted post located on a point of land on the mainland shore about 0.7 mile southerly of the western end of Oven Mouth; AND [2] Sherman Creek (so called) easterly of a line drawn across the mouth of said creek. This line begins at the most northwestern prominence of the southern shore and runs northerly across the mouth to the most southwestern prominence of the north shore; AND [3] Wildcat Creek, upstream (northerly and easterly) of a line beginning at the most southern point of land situated about 600 yards southeast of where the Burleigh Hill road ends near the shore of Cross River. From this point the line extends southeast (about 400 yards) across the mouth of Wildcat Creek to a point on the east shore.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: March 29, 1994

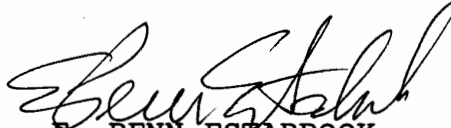
AGENCY CONTACT PERSON: Robert D. Lewis
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PORTLAND PRESS HERALD
April 1, 1994

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.06 Z, Closed Area No. 22-F, Ovens Mouth and Sherman Creek, Edgecomb - Boothbay, promulgated on March 9, 1994, and replaces it with a new one. This new regulation increases the size of the closed area by closing all of Wildcat Creek located on Cross River in Boothbay.

Department personnel have sampled this area and have determined that the closed areas are subject to intermittent microbiological pollution. Consequently, the harvest of shellfish in the closed areas is prohibited to protect the public health.



E. PENN ESTABROOK
Deputy Commissioner



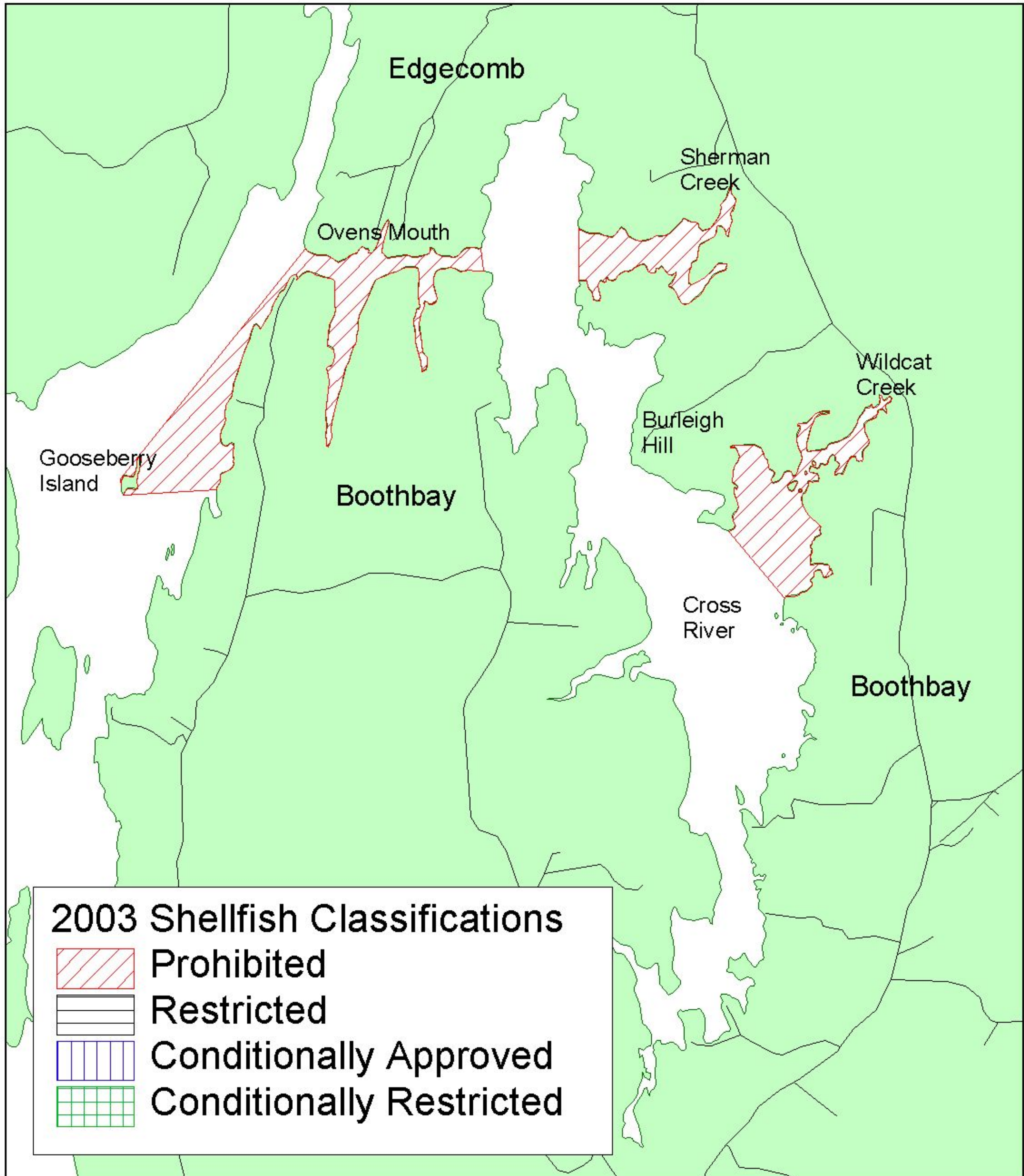
Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

3/29/94



C22F Ovens Mouth, Cross River, Boothbay



0.4 0 0.4 0.8 Miles